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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,520

03/01/2004

Samuel John Malizia JR.

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ALBRP176USA

2735

7590

07/13/2005

EXAMINER

PATEL, RAMESH B

Susan M. Donahue  
Rockwell Automation  
704-P, IP Department  
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Milwaukee, WI 53204

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,520

Applicant(s)

MALIZIA, SAMUEL JOHN

Examiner

Ramesh B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-17 are presented for examination.
2. The claims and only the claims form the metes and bounds of the invention.  
"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.
3. The rejection to claims 1-17 under 35 U.S.C. 102(b) is maintained and updated to include the remark(s).

**Claim Rejections - 35 U.S.C. § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (Pub. No. 2002/0041238 A1).

As to claims 1, 7 and 14, Johnson teaches the invention including a system and a method that facilitates communication between an industrial control device and a remote user device, comprising: an industrial control device that monitors information related to an industrial automation environment is taught as the remote monitoring system uses a bi-directional pager communication system for monitoring remote monitoring station wherein the remote station include control devices for altering the monitoring process or varying other operating parameters (see, abstract and figures 1-2 and page 2, paragraphs [0036] to [0041]); and a processor that receives information from the industrial control device, determines whether a trigger condition exists, associates data with the trigger condition and selectively constructs and transmits at least one pager message to the remote user device if a trigger condition exists is taught as each remote station includes an effector for altering the function of the protection devices applied to the pipeline and effector controls the setpoints of the power supply wherein the setpoints may be altered autonomously by the remote station based on the measurements or conditions of the devices taken by the monitor and each remote

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monitoring station is connected to the pipe line wherein the processor is provided to provide a digital signal through pager (see, abstract and figures 1-2 and page 2, paragraphs [0036]-[0039] and page 3, paragraphs [0056]-[0057] and page 4, paragraphs [0085]-[0087]).

As to claims 2, 8-9 and 15, Johnson teaches the system and the method wherein the processor receives programming information from the remote user device in response to the at least one pager message and constructs and transmits a programming message to the industrial control device (see, figures 1-4 and page 2, paragraph [0036] to [0038]).

As to claim 3, Johnson teaches the system and the method wherein the remote user device is at least one of a telephone, cellular telephone, a personal desktop assistant (PDA), a personal computer, a laptop computer, and a pager (see, abstract and figures 1-2 and page 1, paragraph [0023] to [0024] and page 3, paragraphs [0053] to [0054]).

As to claim 4, Johnson teaches the system and the method wherein the at least one pager message comprises at least one text string (see, abstract and page 3, paragraphs [0053] to [0060]).

As to claims 5, 11-13 and 16-17, Johnson teaches the system and the method wherein the industrial control device is a programmable logic controller (PLC) (see, abstract and figures 1-2 and page 2, paragraph [0036]).

As to claims 6 and 10, Johnson teaches the system and the method wherein the processor and the remote user device communicate via at least one of a Telocator Alphanumeric Paging protocol and an ASCII protocol (see, abstract and figures 1-2 and page 1, paragraph [0023] to [0024] and page 3, paragraphs [0053] to [0054]).

5. Applicant's arguments filed on 6/3/2005 have been fully considered but they are not persuasive. As to the applicant's arguments regarding claims 1-17, the Johnson reference teaches the invention including a system that facilitates communications between an industrial control device and a remoter user device, comprising: a processor that receives information from the industrial control device, determines whether a trigger condition exists, associates data with the trigger condition and selectively constructs and transmits at least one pager message to the remote user device if a trigger condition exists is taught as each remote station includes an effector for altering the function of the protection devices applied to the pipeline and effector controls the setpoints of the power supply wherein the setpoints may be altered autonomously by the remote station based on the measurements or conditions of the devices taken by the monitor and each remote monitoring station is connected to the pipe line wherein the processor is provided to provide a digital signal through pager (see, abstract and

figures 1-2 and page 2, paragraphs [0036]-[0039] and page 3, paragraphs [0056]-[0057] and page 4, paragraphs [0085]-[0087]).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh B. Patel whose telephone number is 571-272-3688. The examiner can normally be reached on M-Th; 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ramesh B. Patel  
Primary Examiner  
Art Unit 2121  
7/9/05

rp